

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 19, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on July 19, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Patricia M. Selig, R.N., F.N.P., Ph.D, Chairperson
John M. Horn, L.P.N.
Patricia C. Lane, R.N., B.S.N.
Judith E. Piersall, R.N., B.S.N.
William Traynham, L.P.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director (joined later)
Amy Davis, Administrative Assistant (joined later)
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Nursing students from J. Sarg; Career Training Solutions; ECPI College and ECPI Leadership Program

**ESTABLISHMENT OF
A QUORUM:**

With five members of the Board present, a quorum was established.

FORMAL HEARINGS:

Michelle A. Landes, RMA 0031-001343
Ms. Landes appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Kelli Moss, Senior Investigator, Department of Health Professions; Amy Fuller, LPN, Director of Nursing, Morningside of Charlottesville was present and testified.

CLOSED MEETING:

Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:33 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Landes. Additionally, Mr. Traynham moved that Ms. Douglas, Ms. Mitchell, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed

meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:02 P.M.

Mr. Traynham moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Mr. Horn moved that the Board of Nursing reprimand Michelle Landes and indefinitely suspend the medication aide registration of Ms. Landes until such time proof of restitution in the amount of \$180 has been made to the resident or the resident's power of attorney. The motion was seconded and carried. Mr. Horn, Ms. Lane, and Ms. Piersall were in favor of the motion. Dr. Selig and Mr. Traynham opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Paula J. Haney, LPN Reinstatement Applicant 0002-054176

Ms. Haney did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

CLOSED MEETING:

Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:15 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Haney. Additionally, Mr. Traynham moved that Ms. Douglas, Ms. Mitchell, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:20 P.M.

Mr. Traynham moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Piersall moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lane moved that the Board of Nursing deny the reinstatement application of Paula Haney and continue the practical nursing license of Ms. Haney on indefinite suspension until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Krohn joined the meeting. Ms. Mitchell left the meeting.

RECESS:

The Board recessed at 10:25 A.M.

RECONVENTION:

The Board reconvened at 10:35 A.M.

FORMAL HEARINGS:

Sun Dok Kim, CMT 0019-005067

Ms. Kim did not appear.

James Rutkowski, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Detective Brian Wing; and Sue Zich, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:51 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Kim. Additionally, Mr. Traynham moved that Ms. Douglas, Ms. Krohn, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:57 A.M.

Mr. Traynham moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Horn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Lane moved that the Board of Nursing revoke the massage therapy certification of Sun Dok Kim.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Melissia A. Barbour, LPN 0002-044122**
Ms. Barbour appeared, accompanied by daughter-in-law, Tanya Alexander.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Department of Health Professions; and Lisa Fuller, CNA were present and testified. Kathleen Gallagher, RN, Director of Nursing, Golden Living; Margaret Giles, RN Clinical Services Coordinator; and Jessica Walker, CNA testified by telephone.

Ms. Lee left the meeting. Ms. Davis joined the meeting.

CLOSED MEETING: Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:14 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Barbour. Additionally, Mr. Traynham moved that Ms. Douglas, Ms. Krohn, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:48 P.M.

Mr. Traynham moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Mr. Horn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Lane moved that the Board of Nursing reprimand Melissia Barbour and place Ms. Barbour on probation with terms for a period of not less than one year.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 1:53 P.M.

Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director